

107TH CONGRESS  
2D SESSION

# S. 3021

To establish in the State of Ohio a wildlife refuge complex comprised of land designated as national wildlife refuges, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2002

Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish in the State of Ohio a wildlife refuge complex comprised of land designated as national wildlife refuges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ottawa National Wild-  
5 life Refuge Complex Expansion and Detroit River Inter-  
6 national Wildlife Refuge Expansion Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) the western basin of Lake Erie, as part of  
2           the Great Lakes ecosystem—

3                   (A) is the largest freshwater ecosystem in  
4           the world; and

5                   (B) is vitally important to the economic  
6           and environmental future of the United States;

7           (2) over the 30-year period preceding the date  
8           of enactment of this Act, the citizens and govern-  
9           mental institutions of the United States and Canada  
10          have devoted increasing attention and resources to  
11          the restoration of the water quality and fisheries of  
12          the Great Lakes, including the western basin;

13          (3) that increased awareness has been accom-  
14          panied by a gradual shift toward a holistic eco-  
15          system approach that highlights a growing recogni-  
16          tion that shoreline areas, commonly referred to as  
17          nearshore terrestrial ecosystems, are an integral part  
18          of the western basin and the Great Lakes ecosystem;

19          (4) the Great Lakes account for more than 90  
20          percent of the surface freshwater in the United  
21          States;

22          (5) the western basin of Lake Erie receives ap-  
23          proximately 90 percent of its flow from the Detroit  
24          River and only approximately 10 percent from tribu-  
25          taries;

1           (6) the western basin is an important ecosystem  
2           that includes a number of distinct islands, channels,  
3           rivers, and shoals that support dense populations of  
4           fish, wildlife, and aquatic plants;

5           (7) coastal wetland of Lake Erie supports the  
6           largest diversity of plant and wildlife species in the  
7           Great Lakes;

8           (8) because Lake Erie is located at a more  
9           southern latitude than other Great Lakes, the mod-  
10          erate climate of Lake Erie is appropriate for many  
11          species that are not found in or along the northern  
12          Great Lakes;

13          (9) more than 300 species of plants, including  
14          37 significant species, have been identified in the  
15          aquatic and wetland habitats of the western basin;

16          (10) the shallow western basin of Lake Erie,  
17          extending from the Lower Detroit River to Sandusky  
18          Bay, is home to the greatest concentration of  
19          marshes in Lake Erie, including—

20                 (A) Mouille, Metzger, and Magee marshes;

21                 (B) the Maumee Bay wetland complex;

22                 (C) the wetland complexes flanking Locust  
23          Point; and

24                 (D) the wetland in Sandusky Bay;

1           (11) the larger islands of the United States in  
2       western Lake Erie have wetland in small  
3       embayments;

4           (12) the wetland in the western basin comprises  
5       some of the most important waterfowl habitat in the  
6       Great Lakes;

7           (13) waterfowl, wading birds, shore birds, gulls  
8       and terns, raptors, and perching birds use the wet-  
9       land in the western basin for migration, nesting, and  
10      feeding;

11          (14) hundreds of thousands of diving ducks  
12      stop to rest in the Lake Erie area during autumn  
13      migration from Canada to points east and south;

14          (15) the wetland of the western basin provides  
15      a major stopover for sea ducks, such as migrating  
16      common goldeneye, common mergansers, and ruddy  
17      duck;

18          (16) the international importance of Lake Erie  
19      is indicated in the United States by congressional  
20      designation of the Ottawa and Cedar Point National  
21      Wildlife Refuges;

22          (17)(A) Lake Erie has an international reputa-  
23      tion for walleye, perch, and bass fishing, recreational  
24      boating, birding, photography, and duck hunting;  
25      and

1           (B) on an economic basis, tourism in the Lake  
2       Erie area accounts for an estimated \$1,500,000,000  
3       in retail sales and more than 50,000 jobs;

4           (18)(A) many of the 417,000 boats that are  
5       registered in the State of Ohio are used in the west-  
6       ern basin, in part to fish for the estimated  
7       10,000,000 walleye that migrate from the lake to  
8       spawn; and

9           (B) that internationally renowned walleye fish-  
10      ery drives much of the \$2,000,000,000 sport fishing  
11      industry in the State of Ohio;

12          (19) coastal wetland in the western basin has  
13      been subjected to intense pressure for 150 years;

14          (20) prior to 1850, the western basin was part  
15      of an extensive coastal marsh and swamp system  
16      consisting of approximately 122,000 hectares that  
17      comprised a portion of the Great Black Swamp;

18          (21) by 1951, only 12,407 wetland hectares re-  
19      mained in the western basin;

20          (22) 50 percent of that acreage was destroyed  
21      between 1972 and 1987, leaving only approximately  
22      5,000 hectares in existence today;

23          (23) along the Michigan shoreline, coastal wet-  
24      land was reduced by 62 percent between 1916 and  
25      the early 1970s;

1           (24) the development of the city of Monroe,  
2 Michigan, has had a particularly significant impact  
3 on the coastal wetland at the mouth of the Raisin  
4 River;

5           (25) only approximately 100 hectares remain  
6 physically unaltered today in an area in which, 70  
7 years ago, marshes were 10 times more extensive;

8           (26) in addition to the actual loss of coastal  
9 wetland acreage along the shores of Lake Erie, the  
10 quality of much remaining dike wetland has been de-  
11 graded by numerous stressors, especially excessive  
12 loadings of sediments and nutrients, contaminants,  
13 shoreline modification, exotic species, and the diking  
14 of wetland; and

15           (27) protective peninsula beach systems, such  
16 as the former Bay Point and Woodtick, at the bor-  
17 der of Ohio and Michigan near the mouth of the Ot-  
18 tawa River and Maumee Bay, have been eroded over  
19 the years, exacerbating erosion along the shorelines  
20 and negatively affecting breeding and spawning  
21 grounds.

22 **SEC. 3. PURPOSE.**

23           The purpose of this Act is to establish a national  
24 wildlife refuge complex in the State of Ohio—

1           (1)(A) to protect the remaining high-quality  
2           fish and wildlife habitats of the western basin before  
3           those habitats are lost to further development; and

4           (B) to restore and enhance degraded wildlife  
5           habitats associated with the western basin;

6           (2) in partnership with nongovernmental and  
7           private organizations and private individuals dedi-  
8           cated to habitat enhancement, to conserve, enhance,  
9           and restore the native aquatic and terrestrial com-  
10          munity characteristics of the western basin (includ-  
11          ing associated fish, wildlife, and plant species);

12          (3) to facilitate partnerships among the United  
13          States Fish and Wildlife Service, Canadian national  
14          and provincial authorities, State and local govern-  
15          ments, local communities in the United States and  
16          Canada, conservation organizations, and other non-  
17          Federal entities to promote public awareness of the  
18          resources of the western basin; and

19          (4) to advance the collective goals and priorities  
20          that—

21                 (A) were established in the report entitled  
22                 “Great Lakes Strategy 2002—A Plan for the  
23                 New Millennium”, developed by the United  
24                 States Policy Committee, comprised of Federal  
25                 agencies (including the United States Fish and

Wildlife Service, the National Oceanic and Atmospheric Administration, the United States Geological Survey, the Forest Service, and the Great Lakes Fishery Commission) and State governments and tribal governments in the Great Lakes basin; and

(B) include the goals of cooperating to protect and restore the chemical, physical, and biological integrity of the Great Lakes basin ecosystem.

#### **SEC. 4. DEFINITIONS.**

In this Act:

(1) CEDAR POINT REFUGE.—The term “Cedar Point Refuge” means the Cedar Point National Wildlife Refuge established by the Secretary in accordance with the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.).

(2) INTERNATIONAL REFUGE.—The term “International Refuge” means the Detroit River International Wildlife Refuge established by section 5(a) of the Detroit River International Wildlife Refuge Establishment Act (16 U.S.C. 668dd note; 115 Stat. 894).

(3) OTTAWA REFUGE.—The term “Ottawa Refuge” means the Ottawa National Wildlife Refuge,



1 established by the Secretary in accordance with the  
2 Migratory Bird Conservation Act (16 U.S.C. 715 et  
3 seq.).

4 (4) REFUGE COMPLEX.—The term “Refuge  
5 Complex” means the national wildlife refuge complex  
6 established by section 5(a).

7 (5) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior.

9 (6) WESTERN BASIN.—

10 (A) IN GENERAL.—The term “western  
11 basin” means the western basin of Lake Erie,  
12 consisting of the land and water in the water-  
13 sheds of Lake Erie extending from the water-  
14 shed of the Lower Detroit River in the State of  
15 Michigan to and including Sandusky Bay and  
16 the watershed of Sandusky Bay in the State of  
17 Ohio.

18 (B) INCLUSION.—The term ‘western basin’  
19 includes the Bass Island archipelago in the  
20 State of Ohio.

21 (7) WEST SISTER ISLAND REFUGE.—The term  
22 “West Sister Island Refuge” means the West Sister  
23 Island National Wildlife Refuge established by Exec-  
24 utive Order 7937, dated August 2, 1937.

1 **SEC. 5. NATIONAL WILDLIFE REFUGE COMPLEX.**

2 (a) ESTABLISHMENT.—There is established a na-  
3 tional wildlife refuge complex in the State of Ohio, con-  
4 sisting of—

5 (1) the Ottawa Refuge, as modified by sub-  
6 section (b);

7 (2) the West Sister Island Refuge; and

8 (3) the Cedar Point Refuge.

9 (b) EXPANSION OF OTTAWA NATIONAL WILDLIFE  
10 REFUGE.—

11 (1) IN GENERAL.—The Secretary shall expand  
12 the boundaries of the Ottawa Refuge to include sur-  
13 rounding land and water in the State of Ohio ex-  
14 tending from the eastern boundary of the Maumee  
15 Bay State Park to the eastern boundary of the  
16 Darby Unit (including the Bass Island archipelago)  
17 as depicted on the map entitled “Ottawa National  
18 Wildlife Refuge Complex Expansion and Detroit  
19 River International Wildlife Refuge Expansion Act”,  
20 dated September 6, 2002.

21 (2) AVAILABILITY OF MAP.—The map referred  
22 to in paragraph (1) shall be available for inspection  
23 in appropriate offices of the United States Fish and  
24 Wildlife Service.

1       (c) BOUNDARY REVISIONS.—The Secretary may  
2 make such revisions of the boundaries of the Refuge Com-  
3 plex as the Secretary determines to be appropriate—

4           (1) to facilitate the acquisition of property with-  
5 in the Refuge Complex; or

6           (2) to carry out this Act.

7       (d) ACQUISITION.—

8           (1) IN GENERAL.—Subject to paragraph (2),  
9 the Secretary may acquire by donation, purchase  
10 with donated or appropriated funds, or exchange the  
11 land and water, and interests in land and water (in-  
12 cluding conservation easements), within the bound-  
13 aries of the Refuge Complex.

14          (2) CONSENT.—No land, water, or interest in  
15 land or water described in paragraph (1) may be ac-  
16 quired by the Secretary without the consent of the  
17 owner of the land, water, or interest.

18       (e) TRANSFERS FROM OTHER AGENCIES.—Adminis-  
19 trative jurisdiction over any Federal property that is lo-  
20 cated within the boundaries of the Refuge Complex and  
21 under the administrative jurisdiction of an agency of the  
22 United States other than the Department of the Interior  
23 may, with the concurrence of the head of the admin-  
24 istering agency, be transferred without consideration to  
25 the Secretary for the purpose of this Act.

1 (f) STUDY OF ASSOCIATED AREA.—

2 (1) IN GENERAL.—The Secretary, acting  
3 through the Director of the United States Fish and  
4 Wildlife Service, shall conduct a study of fish and  
5 wildlife habitat and aquatic and terrestrial commu-  
6 nities in and around the 2 dredge spoil disposal sites  
7 that are—

8 (A) referred to by the Toledo-Lucas Coun-  
9 ty Port Authority as “Port Authority Facility  
10 Number Three” and “Grassy Island”, respec-  
11 tively; and

12 (B) located within Toledo Harbor near the  
13 mouth of the Maumee River.

14 (2) REPORT.—Not later than 18 months after  
15 the date of enactment of the Act, the Secretary  
16 shall—

17 (A) complete the study under paragraph  
18 (1); and

19 (B) submit to Congress a report on the re-  
20 sults of the study.

21 **SEC. 6. EXPANSION OF INTERNATIONAL REFUGE BOUND-**  
22 **ARIES.**

23 The Secretary shall expand the southern boundary of  
24 the International Refuge to include additional land and  
25 water in the State of Michigan located east of Interstate

1 Route 75, extending from the southern boundary of Ster-  
2 ling State Park to the Ohio State line, as depicted on the  
3 map referred to in section 5(b)(1).

4 **SEC. 7. ADMINISTRATION.**

5 (a) REFUGE COMPLEX.—

6 (1) IN GENERAL.—The Secretary shall admin-  
7 ister all federally owned land, water, and interests in  
8 land and water that are located within the bound-  
9 aries of the Refuge Complex in accordance with—

10 (A) the National Wildlife Refuge System  
11 Administration Act of 1966 (16 U.S.C. 668dd  
12 et seq.); and

13 (B) this Act.

14 (2) ADDITIONAL AUTHORITY.—The Secretary  
15 may use such additional statutory authority avail-  
16 able to the Secretary for the conservation of fish and  
17 wildlife, and the provision of opportunities for fish-  
18 and wildlife-dependent recreation, as the Secretary  
19 determines to be appropriate to carry out this Act.

20 (b) PRIORITY USES.—In providing opportunities for  
21 compatible fish- and wildlife-dependent recreation, the  
22 Secretary, in accordance with paragraphs (3) and (4) of  
23 section 4(a) of the National Wildlife Refuge System Ad-  
24 ministration Act of 1966 (16 U.S.C. 668dd(a)), shall en-  
25 sure, to the maximum extent practicable, that hunting,

1 trapping, fishing, wildlife observation and photography,  
2 and environmental education and interpretation are the  
3 priority public uses of the Refuge Complex.

4 (c) COOPERATIVE AGREEMENTS REGARDING NON-  
5 FEDERAL LAND.—To promote public awareness of the re-  
6 sources of the western basin and encourage public partici-  
7 pation in the conservation of those resources, the Sec-  
8 retary may enter into cooperative agreements with the  
9 State of Ohio or Michigan, any political subdivision of the  
10 State, or any person for the management, in a manner  
11 consistent with this Act, of land that—

12 (1) is owned by the State, political subdivision,  
13 or person; and

14 (2) is located within the boundaries of the Ref-  
15 uge Complex.

16 (d) USE OF EXISTING GREENWAY AUTHORITY.—The  
17 Secretary shall encourage the State of Ohio to use author-  
18 ity under the recreational trails program under section  
19 206 of title 23, United States Code, to provide funding  
20 for acquisition and development of trails within the bound-  
21 aries of the Refuge Complex.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as are necessary—

- 1           (1) to acquire land and water within the Refuge
- 2       Complex under section 5(d);
- 3           (2) to carry out the study under section 5(f);
- 4       and
- 5           (3) to develop, operate, and maintain the Ref-
- 6       uge Complex.

○